

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 1, 1997
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:12 a.m. Mayor Golding recessed the regular meeting at 10:24 a.m. to convene the Housing Authority. The regular meeting was reconvened by Mayor Golding at 10:25 a.m. with all Council Members present. Mayor Golding recessed the regular meeting at 11:15 a.m. to meet in Closed Session in the twelfth floor conference room to discuss real property interest relating to San Diego Jack Murphy Stadium. Mayor Golding reconvened the regular meeting at 12:11 p.m. with Council Member McCarty not present. Mayor Golding announced that a Special Meeting will be noticed for Wednesday, April 2, 1997, in the Council Chambers, to continue the hearing for Item 200 pertaining to actions related to San Diego Jack Murphy Stadium Expansion. The exact time will be determined by the Mayor. Mayor Golding adjourned the regular meeting at 12:15 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the Long Beach Naval Shipyard and his objection to foreign countries controlling U.S. ports.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-028.)

ITEM-PC-2: REFERRED TO CITY ATTORNEY

Comment by Yova Kana El Shaday regarding the incident that took place in front of Kragens on Midway Drive on April 2, 1996, when he was attacked. His complaint pertained to the actions of the police officers during the time of the incident and the fact that the man that attacked him was released.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-110.)

COUNCIL COMMENT:

None.

ITEM-120:

SUBJECT: Second Amendment to the Agreement with BSI Consultants, Inc. for As-Needed Engineering Services 1994-1997.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-950) ADOPTED AS RESOLUTION R-288504

Authorizing a second amendment to the agreement of September 19, 1994, with BSI Consultants, Inc., for as-needed engineering services;
Authorizing the expenditure of an amount not to exceed \$300,000 from Sewer Fund No. 41509.

CITY MANAGER SUPPORTING INFORMATION:

The original agreement between the City and BSI Consultants, Inc., for as-needed engineering services 1994-1997 was adopted September 19, 1994, via Resolution R-284644. The Agreement was issued for a \$500,000 not-to-exceed amount for a 36-month duration. Amendment No. 1 was adopted November 20, 1995 increasing the agreement value to \$1,000,000. Amendment No. 2 is requested to increase the not-to-exceed amount by \$300,000 to \$1,300,000 due to immediate and near-term engineering services needs required by MWWD, for the agreement duration, such as the following:

- Underwater Survey/Inspection for Sewer Force Main No. 2
- South Metro Interceptor Manhole Rehabilitation Project
- North Metro Interceptor Project - Road Repair/Resurfacing
- Metropolitan Operation Center - Redesign/Refurbishment

Staff is currently preparing a Request for Proposals to advertise for a follow-on As-Needed Engineering Contract.

MBE/WBE Utilization:

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, BSI Consultants, Inc. has retained the following subconsultants as members of their engineering consultant team in connection with this project:

Certified
Subconsultants

Other
Subconsultants

MBE - Beyaz & Patel	Ogden Environmental & Energy Services Company
MBE - CWP Geosciences	Sillman-Wyman, Inc.
MBE - HYA Consulting Eng.	
WBE - LSW Engineers & Inland Aerial Surveys, Inc.	

Due to the nature of the as-needed project, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

Additional contingency and related costs in the amount of \$200,000 for MOC Expansion Project are necessary to fund as-needed engineering services provided by BSI Consultants and in-house engineering support.

Aud. Cert. 9700855.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A135-141.)

MOTION BY WARDEN TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: CONTINUED TO THE SPECIAL MEETING ON WEDNESDAY,
APRIL 2, 1997 - TIME TO BE DETERMINED BY THE MAYOR

SUBJECT: Two actions related to San Diego Jack Murphy Stadium Expansion.

(Mission Valley Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were re-introduced on 3/18/97:

Subitem-A: (0-97-92 Rev.)

Authorizing the agreement conveying naming rights to San Diego Jack Murphy Stadium between QUALCOMM, Inc. and the City of San Diego.
(Council voted 7-0. Councilmember McCarty ineligible. Councilmember Stevens not present.)

Subitem-B: (O-97-93 Rev.)

Authorizing a First Supplement to the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City of San Diego.
(Council voted 8-0. Councilmember Stevens not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B169-279.)

Hearing began at 11:11 a.m. and recessed at 11:15 a.m. to meet in Closed Session to discuss real property negotiations pertaining to San Diego Jack Murphy Stadium expansion.

Testimony in opposition by Don Stillwell and Paul Miles.

Hearing resumed at 12:11 p.m. and halted at 12:14 p.m.

MOTION BY COMMON CONSENT TO CONTINUE THIS ITEM, FOR FURTHER REVIEW, TO THE SPECIAL MEETING ON WEDNESDAY, APRIL 2, 1997, TO BE NOTICED BY MAYOR GOLDING. THE TIME OF THE MEETING TO BE DETERMINED BY THE MAYOR. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Determination of the Citywide Vacancy Rate for Residential Rental Units.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-961) ADOPTED AS RESOLUTION R-288505

Adoption of a Resolution determining that the Citywide Average Vacancy Rate for residential rental units exceeded five percent in calendar year 1996.

CITY MANAGER SUPPORTING INFORMATION:

Every year the City Council is required to determine whether the average annual vacancy rate for residential rental units during the previous calendar year was greater than or less than five percent. This determination is required by Municipal Code

Sections 101.0512 "Conditional Use Permit Units" and 101.0990 et. seq. "Condominium Conversion Map Procedure."

If the vacancy rate is determined to be above five percent, the City will not accept applications for companion units for one year. Additionally, certain financial and procedural requirements for the conversion of apartments to condominiums will be suspended for one year.

If the vacancy rate is determined to be below five percent, the City will accept applications for companion units for one year. Additionally, certain financial and procedural requirements for the conversion of apartments to condominiums will be put into place for one year.

The average annual vacancy rate for residential rental units has been determined to be above five percent each year since 1987.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A142-B028.)

Hearing began at 10:26 a.m. and halted at 10:53 a.m.

Testimony in opposition by Linda Fritz.

MOTION BY KEHOE TO ADOPT THE RESOLUTION APPROVING THE CITY MANAGER'S RECOMMENDATION. ACCEPT MAYOR GOLDING'S RECOMMENDATION TO FORM A MANAGER'S COMMITTEE CONSISTING OF CITY STAFF, APARTMENT ASSOCIATION REPRESENTATIVES, AND TWO OR THREE OUTSIDE, OBJECTIVE, EXPERTS IN REAL ESTATE EITHER FROM AN ACADEMIC INSTITUTION OR FROM A CONSULTANT FIRM. THE PURPOSE OF THE COMMITTEE IS FOR THE CITY AND THE APARTMENT ASSOCIATION TO AGREE ON THE METHODOLOGY TO BE USED IN THE FUTURE TO DETERMINE THE AVERAGE ANNUAL VACANCY RATE FOR RESIDENTIAL RENTAL UNITS. THE RESULTS OF THIS COMMITTEE WILL BE SCHEDULED TO BE HEARD BEFORE THE LAND USE AND HOUSING COMMITTEE PRIOR TO BEING HEARD BY COUNCIL. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the Improvement of Alley Block 3, Fortuna Park. Council will take action at the subsequent hearing which has been scheduled on April 15, 1997 at

10:00 a.m. (1911 Improvement Act).

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public meeting which has been scheduled for April 15, 1997 at 10:00 a.m.

SUPPORTING INFORMATION

This proposed public improvement is a property owner initiated project under the provisions of the Improvement Act of 1911. This act provides the means to install public improvements, apportion the cost of such improvements to the benefitting parcels of land and issue ten year, fully amortized bonds repaid in semiannual installment payments of principal and interest. The property owners reside in the block bounded by Pacific Beach Drive, Fortuna Avenue, Promontory Street and Ingraham Street. The proposed improvements include grading and paving the alley and the construction and installation of an eighteen inch (18") storm drain. Seventy (70) percent of the property owners (measured by area) benefitting from this improvement have shown their support for the project. The owners of sixty-one (61) percent of the property area have signed a petition requesting the improvements. Waivers of protest for alley improvements were obtained for nine (9) percent of the property area. The waivers were obtained as a condition of approval of building permits, recorded with the County Recorder's office and are on file with the City of San Diego.

The City recently conducted a postcard survey to determine the current property owner support for this project. This survey was warranted by the passage of time (more than two years) and a significant increase in the estimated costs of the improvements from those shown in the original petition (current estimated costs \$190,000; original estimated costs \$50,000). We mailed postcards to each of the twenty-five (25) property owners. The results of this property owner survey are as follows:

	Parcel Area	Percentages Voting	Total
No Response	0.6888	0.0	28.6
In Favor	1.0308	60.0	42.8
Opposed	.6888	40.0	28.6
Total	2.4084	100.0	100.0

FILE LOCATION: STRT D-2298

COUNCIL ACTION: (Tape location: B029-168.)

Hearing began at 10:54 a.m. and halted at 11:09 a.m.

Testimony in opposition by Stan Zubel.

Testimony in favor by Jerry Dame and Mary Ann Dorman.

ITEM-CS-1: (R-97-1349 Cor. Copy) ADOPTED BY RESOLUTION
R-288719

A Resolution adopted by the City Council in Closed Session
on April 1, 1997:

Authorizing the City Manager to execute a settlement
agreement in settlement of the case San Diego Police Tow
Operators, Inc., et al. v. City of San Diego, et al.,
Superior Court Case No. 681578.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:15 p.m. in honor
of the memory of Morton Thaler, as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B280-288.)